

## Message Text

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PAGE 01 DACCA 03538 040402Z  
ACTION NEA-11

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00  
SSO-00 ICAE-00 INRE-00 PM-05 H-01 INR-10 L-03  
PA-01 SP-02 SS-15 OMB-01 TRSE-00 /050 W  
-----071224 040404Z /15

O R 040340Z JUN 78  
FM AMEMBASSY DACCA  
TO SECSTATE WASHDC IMMEDIATE 9604  
INFO AMCONSUL CALCUTTA  
AMEMBASSY NEW DELHI  
AMEMBASSY ISLAMABAD  
AMEMBASSY COLOMBO  
AMEMBASSY KATHMANDU  
CINCPAC

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E.O. 11652: GDS

TAGS: PINT BG

SUBJECT: ZIA SAID TO BE NO LONGER ARMY CHIEF OF STAFF;  
COURT REJECTS APPEAL AGAINST HIS CANDIDACY

CINCPAC FOR POLAD

REF: DACCA 2875

1. HIGH COURT, JUNE 2, REJECTED A PETITION APPEAL AGAINST THE  
CANDIDACY OF PRESIDENT ZIA IN THE JUNE 3 PRESIDENTIAL RACE.  
APPEAL HAD BEEN BASED ON ZIA'S INELIGIBILITY AS HE WAS HOLDING  
THE OFFICE OF CHIEF OF STAFF OF THE BANGALDESH ARMY (CAS).  
APPEAL ALSO SAID THAT AMENDMENT TO ARMY RULES EXEMPTING  
"A PERSON HOLDING THE OFFICE OF PRESIDENT OF BANGLADESH OR CHIEF  
MARTIAL LAW ADMINISTRATOR" WAS "A MALAFIDE EXERCISE OF POWER  
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ONLY TO ENABLE A PERSON TO CONTEST THE ELECTION WHO WAS  
OTHERWISE INELIGIBLE".

2. COURT REJECTED SECOND PART OF ARGUMENT OUT OF HAND AND  
RECOGNIZED POWER OF MARTIAL LAW ADMINISTRATION TO ISSUE  
REGULATIONS AND AMENDMENTS AS IT CHOSE. HOWEVER, ZIA'S

ATTORNEYS SAID, IN RESPECT TO FIRST PART, THAT THE OFFICE OF CHIEF OF STAFF OF THE BANGLADESH ARMY WAS VACANT AND THAT ZIA DID NOT HOLD POST.

3. THIS IS THE FIRST WE HAVE HEARD THAT CAS POST WAS VACANT. DURING CAMPAIGN, WHEN QUESTIONED ON THIS TOPIC, ZIA HAD SAID THAT HE WAS COMMANDER-IN-CHIEF OF BANGLADESH ARMED FORCES AND THAT HE EXERCISED HIS COMMAND THROUGH THE CHIEFS OF THE NAVY AND AIR STAFFS AND THE DEPUTY CHIEF OF THE ARMY STAFF. HE HAD NOT STATED THAT THE ARMY CHIEF POST WAS "VACANT" BUT IMPLIED THAT DEPUTY CHIEF WAS PERFORMING DUTIES OF CHIEF WHO WAS OTHERWISE OCCUPIED.  
SCHNEIDER

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NNN

## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MILITARY PERSONNEL, COURT DECISIONS, PRESIDENTIAL ELECTIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 jun 1978  
**Decaption Date:** 20 Mar 2014  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978DACCA03538  
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**TAGS:** PINT, BG, (RAHMAN, ZIAUR)  
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**Review Markings:**  
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